REMARKS

I. Status of Claims

Claims 1-44 are pending in the application. Claims 1-14 and 33-44 stand withdrawn pursuant to a restriction requirement and are hereby canceled. Claims 15-32 are under examination and stand rejected

II. Priority Claim

Applicants have updated the status of the parent application in the specification.

III. Rejection under 35 U.S.C. §112, First Paragraph

Claims 15-32 stand rejected under §112, first paragraph, as lacking enablement for prevention of disease. Applicants traverse, but in the interest of advancing the rejection, this embodiment has been removed from the claims. Reconsideration and withdrawal of the rejection is therefore respectfully requested.

IV. Rejection under 35 U.S.C. §102 and §103

Claims 15-32 stand rejected over, or alternatively, obvious in light of Murray *et al.* Applicants traverse both rejections, as explained below.

Applicants direct the examiner to present claim 15, which recites "A method for alleviating infection by an Epstein-Barr virus comprising ***administering to an individual*** an extracellular component of the Epstein-Barr virus expressed during latency in a pharmaceutically acceptable carrier for administration of the virus or viral component in an amount and mode of administration effective to alleviate the infection" (emphasis added). Applicants point out that

nowhere in Murray *et al.* is an extracellular component of EBV ***administered to an individual***, nor does the examiner allege so. To the contrary, the studies described in the cited reference involve collecting CTLs from patients already infected with EBV. Further, the expression vectors described by the examiner were used to assess CTL responses *in vitro* (see page 159, heading "*Expression of EBV Latent Proteins in Vaccinia-infected Fibroblasts*"). Thus, there can be no argument that the reference fails to teach ***administration to an individual*** as required by the claim. Thus, anticipation will not lie.

Next, the examiner argues that Murray *et al.* renders obvious the claimed objection. Nothing could be further from the truth. As discussed above, the cited reference does not teach ***administration*** of any EBV component ***to an individual***. Thus, the rejection fails on this point alone. Moreover, Murray does not even mention using a surface antigen as a vaccine, much less one that is expressed during latent infection. And finally, the paper is devoid of any correlation between a given immune response (observed *in vitro*) and protection. Thus, the reference (a) fails to teach element of the claimed invention, (b) fails to provide motivation for modification to arrive at the claimed invention, and (c) fails to provide a likelihood of success in practicing the claimed invention. Reconsideration and withdrawal of the rejection is therefore respectfully requested.

V. Conclusion

In light of the foregoing, applicants respectfully submit that all claims are in condition for allowance, and an early indication to that effect is earnestly solicited. The examiner is invited to contact the undersigned attorney at 512-536-3184 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

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